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Attorneys *Specially Appearing* for Defendant
BUMBO (PTY) LIMITED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WENDY D. WHITSON, individually
and on behalf of all others similarly
situated,

Plaintiffs,

vs.

BUMBO, BUMBO LIMITED, BUMBO
(PTY) LTD., and TARGET
CORPORATION,

Defendants.

Case No. CV07-5597 CW

NOTICE OF MOTION AND
MOTION TO SET ASIDE
DEFAULT, QUASH SERVICE,
DISMISS FOR IMPROPER
SERVICE, LACK OF PERSONAL
JURISDICTION AND FAILURE TO
SERVE, AND FOR SANCTIONS
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF; DECLARATION OF
JENNIFER J. JOHNSTON;
DECLARATION OF JESSICA
VIKER; REQUEST FOR JUDICIAL
NOTICE

Date: February 14, 2008

Time: 2:00 p.m.

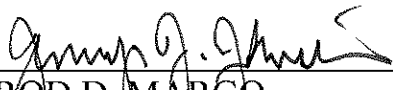
Place: Courtroom of the Hon.
Claudia Wilken

PLEASE TAKE NOTICE that, on February 14, 2008, at 2:00 p.m., or as
soon thereafter as the matter may be heard, in Courtroom 2, before the Hon. –
Claudia Wilkin, defendant BUMBO (Pty) LIMITED (“Bumbo-Pty”) shall and
hereby does respectfully move this Court, pursuant to Fed. R. Civ. P. 55(c) to set

1 aside the default and dismiss this action pursuant to Fed R. Civ. P. 12(b)(2) and
2 12(b)(5). Bumbo-Pty further requests sanctions in the amount of \$11,922.00
3 against Wendy D. Whitson, Donald S. Edgar, Jeremy R. Fietz and Rex Grady for
4 bad faith conduct in seeking default. Bumbo-Pty's motion is based upon this
5 Notice of Motion and Motion, the following Memorandum of Points and
6 Authorities, the attached Declarations of Jennifer J. Johnston, Jessica Viker and
7 Johnny Klopper, the Complaint, and such additional matters as may be judicially
8 noticed or properly come before this Court prior to or at the hearing on this matter.
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13 Dated: December 28, 2007

CONDON & FORSYTH LLP

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15 By: 
16 ROD D. MARGO
JENNIFER J. JOHNSTON

17 Attorneys *Specially Appearing* for
18 Defendant BUMBO (PTY) LIMITED
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